

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

In re:

Jose Cruz Lopez-Arevalo

Debtor

Chapter 13

Case No. 18-12005-BFK

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**OBJECTION TO CONFIRMATION**

Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc. by its undersigned attorneys, Orlans PC, hereby objects to the confirmation of the Chapter 13 plan filed by the Debtor Jose Cruz Lopez-Arevalo ("Debtor"), and as grounds therefore states as follows:

1. On or about April 27, 2006, Jose Cruz Lopez-Arevalo executed and delivered to JPMorgan Chase Bank, N.A. a promissory note (the "Note") in the amount of THREE HUNDRED FORTY-NINE THOUSAND DOLLARS AND NO CENTS (\$349,000.00), plus interest at the adjustable rate of 6.5% per annum, to be paid over thirty (30) years.
2. Jose Cruz Lopez-Arevalo executed a Deed of Trust to JPMorgan Chase Bank, N.A. dated April 27, 2006. The Deed of Trust is a first mortgage on real property owned by the Debtor known and numbered as 15193 Holleyside Dr, Dumphries, VA 22025.
3. The Mortgage is materially in default.
4. The Debtor's Chapter 13 Plan proposes to pay post-petition monthly mortgage payments of \$2,761.00 directly to Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc. and a pre-petition arrearage of \$56,772.00.
5. The Debtor's Chapter 13 Plan understates the pre-petition arrearage and fails to propose a reasonable length of time to cure the pre-petition arrearage.

6. The mortgage is non-modifiable pursuant to 11 U.S.C. §1322(b)(2).
7. As of June 7, 2018, the pre-petition arrearage was approximately \$68, 340.24.
8. That Debtor's Chapter 13 Plan appears under-funded to cure the pre-petition arrearage within a reasonable length of time.
9. Depending upon any additional facts learned before the hearing on confirmation, Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc. reserves the right to assert that the Plan was not proposed in good faith pursuant to 11 U.S.C. § 1325(a)(3).

WHEREFORE, Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc., by and through its attorneys prays that Confirmation be denied, and the case be dismissed, or in the alternative, Creditor prays that this Chapter 13 be converted to a Chapter 7 pursuant to 11 U.S.C. §1307(c).

Date: July 9, 2018

Respectfully submitted,

/s/ Sameera Navidi

Kathryn Smits, Bar # 77337

Sameera Navidi, Bar # 89441

Namrata Loomba, Bar # 87222

Heather D. McGivern, Bar # 91767

Orlans PC

PO Box 2548

Leesburg, VA 20177

(703)777-7101

Attorneys for Federal National Mortgage

Association ("Fannie Mae"), creditor c/o Seterus,  
Inc.

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IN RE:

JOSE CRUZ LOPEZ-AREVALO

Debtor

Chapter 13

Case No. 18-12005-BFK

FEDERAL NATIONAL MORTGAGE  
ASSOCIATION ("FANNIE MAE"),  
CREDITOR C/O SETERUS, INC.

Movant

v.

JOSE CRUZ LOPEZ-AREVALO  
15193 HOLLEYSIDE DRIVE  
DUMPHRIES, VA 22025  
(Debtor)

THOMAS P. GORMAN  
300 N. WASHINGTON ST., STE. 400  
ALEXANDRIA, VA 22314  
(Trustee)

Respondents

NOTICE OF OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN  
AND NOTICE OF HEARING

Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc. has filed an objection to your Chapter 13 plan in this bankruptcy case.

Confirmation of your Chapter 13 plan may be denied. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the Court to deny confirmation of your plan, then you and your attorney must:

ATTEND THE HEARING TO BE HELD:

at: Courtroom Judge Kenney's Courtroom United States Bankruptcy Court Virginia,  
200 S. Washington St., Alexandria, VA 22314

on: August 23, 2018 at 1:30 PM

to consider and act upon Objection to Confirmation filed by Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the objection to confirmation.

Date: July 9, 2018

Respectfully submitted,

/s/ Sameera Navidi

Kathryn Smits, Bar # 77337

Sameera Navidi, Bar # 89441

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Heather D. McGivern, Bar # 91767

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Inc.

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CERTIFICATE OF SERVICE

The undersigned states that on July 9, 2018, copies of the foregoing Objection to Confirmation were filed with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

Thomas P. Gorman  
300 N. Washington St., Ste. 400  
Alexandria, VA 22314  
ch13alex@gmail.com  
*Bankruptcy Trustee*

Gary B. Fuller  
Tate, Bywater & Fuller, PLC  
2740 Chain Bridge Road  
Vienna, VA 22181  
gfuller@tatebywater.com  
*Debtor's Attorney*

and I hereby certify that I have caused to be mailed by first class mail, postage prepaid, copies of the foregoing Objection to Confirmation to the following non-ECF participants:

Jose Cruz Lopez-Arevalo  
15193 Holleyside Drive  
Dumphries, VA 22025  
*Debtor*

/s/ Sameera Navidi  
Kathryn Smits, Esquire  
Sameera Navidi, Esquire  
Namrata Loomba, Esquire  
Heather D. McGivern, Esquire